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TITLE 140 BUREAU OF MOTOR VEHICLES

LSA Document #01-75

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

140 IAC 1-1-7	140 IAC 1-4.5-6
140 IAC 1-1-11	140 IAC 1-4.5-10
140 IAC 1-2-2	140 IAC 1-5-3
140 IAC 1-2-3	140 IAC 1-8-1
140 IAC 1-4.5-4	

SECTION 1. UNDER IC 4-22-2.5-3, 140 IAC 1-1-7 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-7 Record of hearing

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 7. ~~RECORDATION.~~ (1) ~~At the request of any party, and at such party's expense,~~ (a) There shall be made a tape recording of the entire course of the scheduled hearing, including all testimony, offers of evidence, objections, and any rulings with regard thereto.

(2) ~~(b)~~ The transcript, consisting of the reduction to writing of all matters on such tape recording, together with any exhibits, written notices, pleadings, motions, requests, or other such papers filed, exclusive of briefs and arguments of law, and together with the hearing officer's findings of fact, and final order of determination, shall constitute the complete and exclusive record of such hearing.

(3) ~~Such recording and transcript shall be made solely at the order of, and under the authority and control of the Commissioner.~~

(4) ~~In such cases where~~ (c) A recording and/or transcript ~~may be made,~~ they shall be available to all parties for examination and shall be retained intact in the custody of the bureau of motor vehicles for a period of not less than forty-five (45) days from date upon which the final order of determination was issued.

(5) ~~(d)~~ Any party may obtain a copy of such recording and/or transcript at such party's written request and expense.

(6) Any party desiring that such recording be made at the scheduled hearing shall so inform the Commissioner, in writing, at least five (5) days prior to the date of the scheduled hearing. ~~(e) Such request for a recording shall contain a written promise to pay for the reasonable and actual cost of making such recording. before such hearing is convened. A failure to so inform the Commissioner or a The failure to agree to pay for such cost of recording in such request or a failure to provide such payment before such hearing convenes shall be deemed to have waived the right to have render the request for such recording made and shall further be no ground whatsoever for a continuance of the administrative hearing. canceled.~~

(7) ~~(f)~~ Any transcript or copy thereof derived from any recording of an administrative hearing under this rule shall

be ~~made~~ **provided** by ~~an employee~~ of the bureau of motor vehicles and the cost of such transcript or such copy thereof shall be ~~only~~ the actual ~~hourly salary~~ expense of such ~~employee~~ for the period required to reduce such recording to writing, or to copy such original transcript as the case may be.

(8) **(g)** Any transcript or any copy thereof so derived from any recording of an administrative hearing under this rule shall be certified by the commissioner as being full, complete, and true and correct transcript of the said hearing over said commissioner's signature and such certification shall have the seal of the bureau of motor vehicles affixed thereto.

(9) **(h)** At all hearings, ~~other than those in which the respondent shall have invoked provisions (1) through (8) of this rule~~, the record of the administrative cause shall consist of any documentary evidence introduced and admitted, together with the notice of hearing, all pleadings, records of the bureau of motor vehicles considered at such hearing, and the hearing officer's findings of fact, and the final order of determination based thereon. All motions submitted in writing by any party shall also be included and considered a part of such record, together with any ruling thereon endorsed on the face thereof. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule VII; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 98*)

SECTION 2. UNDER IC 4-22-2.5-3, 140 IAC 1-1-11 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-1-11 Final orders

Authority: IC 9-14-2-2

Affected: IC 9-14-3; IC 9-24; IC 9-25; IC 9-30

Sec. 11. (a) The hearing officer's report, including the hearing officer's findings of fact and determination, shall constitute the final order of determination of the administrative cause.

(b) A suspension, where so ordered by the hearing officer's final order of determination, shall be issued as a regulation of the respondent's driving habits and shall be issued for a definite period, which period shall begin as follows:

(1) In those cases where the respondent has surrendered his or her current motor vehicle operator's license to the court at the time of his or her conviction of a violation of any motor vehicle traffic law, and where such convicting court has forwarded such license to the bureau of motor vehicles, such period of suspension shall begin as of the date such license was first surrendered to such court following conviction.

(2) In those cases where the respondent has voluntarily surrendered his or her motor vehicle operator's license to the hearing officer following such hearing officer's findings of fact and determination of a period of suspension made known to the respondent at the conclusion of such administrative hearing, such suspension shall begin as of the date such license was first surrendered to the hearing officer.

(3) In those cases where the respondent has not surrendered his or her motor vehicle operator's license to either the convicting court following conviction of a traffic offense, or to the hearing officer following a finding of facts and determination of suspension, such period of suspension shall begin ~~as of~~ **on** the date ~~on which such respondent surrenders his or her license to the bureau of motor vehicles and obtains a receipt therefore; indicated in the court order, hearing officer's finding of fact and determination, or final order issued by the commissioner.~~

(4) In those cases where the respondent is required by the Indiana motor vehicles safety responsibility and driver improvement act to file proof of financial responsibility, the period of suspension shall be deemed to be extended to cover any period during which such proof:

(A) shall not be filed as required by law; or

(B) lapsed or otherwise failed to provide the ability to respond in damages as required by law.

(5) In those cases where the respondent obtains any stay order, restraining order, or temporary injunction against the commissioner to prevent or to avoid the effect of a suspension of the respondent's motor vehicle operator's license, such stay order, restraining order, or temporary injunction shall have the effect of tolling the period of suspension until such stay order, restraining order, or temporary injunction is lifted or removed or until the issuing court enters a final order following a full judicial review reversing or modifying the final order of determination previously issued by the commissioner.

(c) A suspension, where so ordered by the commissioner's final order of determination for an indefinite period of time shall be terminated, and the respondent's current motor vehicle operator's license reinstated, upon the fulfillment of the requirements set forth in such order. Such a determination by the hearing officer and such a final order of determination shall be applicable only to a findings of fact that indicates the respondent is:

- (1) a person who appears to be afflicted with, or suffering from, such physical or mental infirmity, disability, or disease that serves to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating such vehicle over the public streets and highways; or
- (2) because of a repetitive and continuing record of motor vehicle accidents and/or traffic violation convictions, a person whose continued operating of a motor vehicle on the public streets and highways would be inimical to the public safety or welfare.

(d) Where a final order of determination has been issued by the commissioner in the nature of an indefinite period of suspension, the termination of which is conditioned upon the fulfillment of certain requirements, such requirements shall be specifically stated on the face of the order, and may include, but need not necessarily be limited to, the following:

- (1) The respondent's taking and passing a written driving examination.
- (2) The respondent's taking and passing an actual driving ability test.
- (3) The respondent's taking, passing, and producing a report of medical examination or judicial determination sufficient to assure the commissioner of the bureau of motor vehicles that he or she is possessed of the requisite physical and/or mental faculties to operate a motor vehicle over the public streets and highways safely and sanely.

(e) In those cases where an indefinite period of suspension has been ordered under subsections (c) and (d), and where such respondent shall have been only partially successful in fulfilling the requirements set forth in such indefinite order of suspension, the hearing officer may, after due notice and hearing as prescribed in this rule, issue an order that the respondent be permitted to drive a motor vehicle but only under restrictions suitable to the respondent's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the respondent may operate, or the commissioner may order that the respondent operate a motor vehicle under such other restrictions as the commissioner may to be appropriate to assure the safe operation of such motor vehicle by the respondent on the public streets and highways.

(f) Upon the issuance of the final order as contemplated under subsection (e), a motor vehicle operator's license shall be issued to the respondent, which shall contain the specific restrictions of the respondent's operating privileges set out on the face thereof. (*Bureau of Motor Vehicles; Hearing Procedure Reg I, Rule XI; filed Dec 11, 1959, 3:00 p.m.: Rules and Regs. 1960, p. 101; filed Nov 26, 1996, 4:35 p.m.: 20 IR 936*)

SECTION 3. UNDER IC 4-22-2.5-3, 140 IAC 1-2-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-2 Minimum term of insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-24; IC 9-25-4

Sec. 2. ~~ISSUANCE OF INSURANCE NINETY (90) DAY PREMIUM MINIMUM.~~ Whenever any person, by virtue of the laws of this state, is required to furnish proof of financial responsibility in the future as a condition precedent to the issuance of a drivers license, and such person elects to satisfy such requirement by furnishing proof that he **or she** is insured under a motor vehicle liability policy, he **or she** shall file with the commissioner, or cause to be filed on his **or her** behalf, a certificate from an insurance carrier duly authorized to do business in this state, certifying that the carrier has issued to him **or her** or for his **or her** benefit as the named insured, a motor vehicle liability policy providing coverage, which shall not be less than prescribed by law. Any policy issued by any carrier to satisfy the requirements of the law governing proof of financial responsibility shall be issued for a period of not less than ninety (90) days. ~~and no carrier, having issued such policy shall accept, during the first ninety (90) days, a cancellation at the request of the insured until after such insured has surrendered his license to the Commissioner. The filing of a certificate by a carrier shall be deemed conclusive proof that at least ninety (90) days coverage has been issued and such filing shall also constitute a waiver by the carrier of its right to cancel the policy within the first ninety (90) days for reason of non-~~

~~payment of premium by the insured or his legal agent.~~ (Bureau of Motor Vehicles; Financial Responsibility Rule II; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455)

SECTION 4. UNDER IC 4-22-2.5-3, 140 IAC 1-2-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-2-3 Minimum term of reinstatement insurance

Authority: IC 9-14-2-2; IC 9-25-3-5

Affected: IC 9-25

Sec. 3. ~~REINSTATEMENT INSURANCE NINETY (90) DAY PREMIUM MINIMUM.~~ Whenever a certificate as described in section 2 of this rule has been filed with and accepted by the bureau of motor vehicles, and thereafter such certificate is cancelled, withdrawn, or nullified by the insured or by the carrier when permitted under these rules or applicable law, no new certificate evidencing proof of insurance shall be accepted from or on behalf of the insured unless the original carrier or an alternate carrier has issued a new or reinstated motor vehicle liability policy providing coverage for a period of not less than ninety (90) days. ~~In such cases, all rights of cancellation by the insured or the carrier shall be governed by the same provisions as described in section 2 of this rule.~~ (Bureau of Motor Vehicles; Financial Responsibility Rule III; filed Nov 15, 1974, 3:00 p.m.: Rules and Regs. 1975, p. 455; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593)

SECTION 5. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-4 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-4 Point accumulation

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-2-3; IC 9-24-10-2; IC 9-30-3-14

Sec. 4. (a) A driver accumulating ~~the number of twelve (12)~~ active points within ~~the periods of time as identified in subsection (b) shall, upon notice from the bureau, a twelve (12) month period will automatically~~ be placed on probation ~~without a hearing; however, within fifteen (15) days of receipt of the bureau's and will receive a notice placing a driver on probation; the driver, in writing, may request an administrative hearing to determine the validity of the bureau's action in placing a probationary limitation upon the driver's driving record.~~ Any probation awarded by ~~from~~ the bureau without a hearing shall be for a period of six (6) months. During any probationary period, the driver may not accumulate any ~~indicating that the accumulation of~~ additional points. Any additional points will ~~may~~ subject the driver to an administrative hearing. ~~action.~~ A driver shall be on probation until such time as the active points fall below twelve (12) points.

(b) Driver point accumulations shall be as follows:

(1) Twelve (12) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver over eighteen (18) years of age:

(2) Ten (10) points accumulated over a twenty-four (24) consecutive month period; after any credit earned by completion of a defensive driving course; by a driver under eighteen (18) years of age:

(3) Eight (8) points accumulated over a one (1) year period; after any credit earned by completion of a defensive driving course; for a driver who holds a temporary motorcycle learner's permit or a motorcycle learner's permit when such points are assessed for violation of the respective learner's permit:

(c) (b) Points assessed for any traffic violation shall become inactive twenty-four (24) months after the ~~administrative assessment date or court disposition~~ conviction date.

(d) Any driver who has been placed on probation without a hearing and who has accumulated eight (8) or more unrecorded points from violations that occurred prior to the probation date and such points are not utilized in placing the driver on probation will be required to reappear for an administrative hearing that may result in extending the probation period or placing the driver on suspension:

(e) (c) A driver accumulating ~~seventeen (17)~~ eighteen (18) or more active points, after any credit earned by

completion of a defensive driving course, within a twenty-four (24) month period shall, upon notice from the bureau, be cited for an administrative hearing.

(d) If, during any twelve (12) month period, a driver has committed three (3) moving traffic offenses (as defined in IC 9-30-3-14(a)) the bureau may, upon written notice, require the driver to submit to an administrative hearing.

~~(f)~~ **(e)** If the driver fails to successfully complete the probationary or suspension period, the points ~~shall remain active~~ **resulting from said probation or suspension may be considered by the administrative hearing officer** until such time as any additional limitations placed upon the official driver's record have expired.

~~(g)~~ **(f)** The conviction or judgment for a traffic violation shall remain a part of the driver's record for a period of ten (10) years from the conviction or judgment date even though, for purposes of this rule, the points assessed were invalidated in accordance with this rule. *(Bureau of Motor Vehicles; 140 IAC 1-4.5-4; filed Nov 9, 1983, 3:41 p.m.: 7 IR 27; filed Sep 5, 1995, 12:00 p.m.: 19 IR 6)*

SECTION 6. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-6 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-6 Hearings; reinstatement of suspended license

Authority: IC 9-14-2-2

Affected: IC 4-21.5-3-4; IC 9-24-10; IC 9-29-13-1

Sec. 6. (a) Factors considered by the hearing officer at the ~~point~~ **administrative** hearing shall be as follows:

- (1) All convictions or judgments listed on the driver's record that led to the accumulation of points shall be considered. The hearing is not open to a redetermination or collateral attack on those judgments or convictions.
- (2) Evaluation of the driver's attitude.
- (3) Evaluation of the number of miles driven by the driver during the period in which the excessive points were accumulated.
- (4) Any other factors that:
 - (A) might have affected the individual's driving record; or
 - (B) may affect the individual's driving habits of the future.

~~(b) Determination of the hearing officer.~~ The hearing officer within his or her discretion for ~~point~~ **administrative** hearings may: ~~either:~~

- ~~(1) suspend the driving privileges of an individual for up to one (1) year or (2) and/or place the driving privileges of an individual on probation for up to one (1) year; The hearing officer may also, in addition to the determination in this subsection, direct that the individual provided, however, that a combined period of suspension and probation not exceed one (1) year;~~
- (2) require a driver to submit to an examination, in accordance with IC 9-24-10; or**
- (3) require a driver to attend the bureau's defensive driving and satisfactorily complete a driver improvement course.**

~~(c) If the individual's license is suspended, the driver, individual, after the suspension period has expired, may have his or her license reinstated by forwarding a reinstatement fee and satisfying all other applicable reinstatement requirements, in accordance with IC 9-29-13-1 to the bureau of motor vehicles. (Bureau of Motor Vehicles; 140 IAC 1-4.5-6; filed Nov 9, 1983, 3:41 p.m.: 7 IR 28; filed Sep 5, 1995, 12:00 p.m.: 19 IR 7; errata filed Nov 2, 1995, 3:00 p.m.: 19 IR 353)~~

SECTION 7. UNDER IC 4-22-2.5-3, 140 IAC 1-4.5-10 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-4.5-10 Point value table

Authority: IC 9-14-2-2

Affected: IC 7.1-5-7-7; IC 9-19; IC 9-21; IC 9-24; IC 9-25; IC 9-26-1; IC 9-30; IC 14-15; IC 20-9.1-5; IC 35-43-1-2; IC 35-44-3-3; IC 35-48-4

Sec. 10. (a) The bureau will periodically update the point value table, as needed, with the assistance of the point study committee. Points assessed in subsection (d), Table 1 shall be for:

- (1) violations of Indiana traffic statutes or local ordinances; or
- (2) out-of-state violations reported to the bureau from a **any** state ~~that belongs to the driver's license compact~~ for which an equivalent offense exists in Indiana.

(b) Requirements for recording conviction records shall be as follows:

- (1) All records of traffic convictions received by the bureau from the court entering judgment or conviction shall be recorded based upon the Indiana Code cite.
- (2) Leaving the scene of an accident under IC 9-26-1 shall be treated as an accident in excess of ~~two seven hundred fifty~~ **fifty** dollars ~~(\$200)~~ **(\$750)** requiring a mandatory suspension unless the accident is specifically designated on the record of conviction as less than ~~two seven hundred fifty~~ **fifty** dollars ~~(\$200)~~ **(\$750)**.
- (3) ~~All~~ Suspensions, whether **issued** by the bureau or ~~traffic~~ **a court of competent jurisdiction**, shall be run ~~consecutively~~ **concurrently** unless the administrative hearing officer or ~~traffic~~ court judge specifically designates that the suspensions ~~should be run concurrently~~ **consecutively**.
- (4) Property damage or personal injury shall not be presumed to have occurred when assessing points for reckless driving violations unless such property damage or personal injury is specifically indicated on the record of conviction by the court.
- (5) All equipment violations shall be imputed to the driver of the vehicle.

(c) Any traffic violation that is subject to statutory change shall retain the same point designation until the regulations are amended unless such traffic violation is entirely repealed by the statutory change whereby no points shall be assessed for that violation.

(d) Table 1, establishing the point value system, shall be as follows:

Table 1.
Point Value¹

Indiana Code Cross Reference	Description of Violation	Point Value ²
7.1-5-7-7 9-24-18-12	Possessing, consuming, or transporting alcohol while operating a motor vehicle by an individual less than 21 years of age	4 MS 6 + MS
9-19-3-1 et seq. (formerly 9-8-6-32, 9-8-6-33, 9-8-6-34)	Equipment violation with respect to brakes	4
9-19-4-1 et seq. (formerly 9-8-6-37.5)	Bumper violation	2
9-19-5-6 (formerly 9-8-6-41)	Failure of commercial vehicle to carry required emergency equipment	2
9-19-6-1 et seq. 9-21-7-1 et seq. (formerly 9-8-6-1 et seq.)	Equipment violation w/ respect to vehicle lights, reflectors, stop lights, warning signals; failure to use when required	2
9-19-7-1 9-21-10-9 (formerly 9-8-9-3.1)	No motorcycle headgear or protective eye wear (under 18 years of age)	4
9-19-7-2 (formerly 9-8-9-4)	Motorcycle equipment violation	2
9-19-8-1 et seq. (formerly 9-8-6-36.6)	Muffler violation	2
9-19-11-2 9-19-11-3 (formerly 9-8-13-2, 9-8-13-3)	Child restraint violation	4 8

9-21-3-7	Disregarding traffic control signal	4
9-21-3-8		
9-21-3-9		
9-21-3-10		
9-21-3-11		
(formerly 9-4-1-35)		
9-21-4-11	Failure to yield; failure to obey stop or yield signs	6
9-21-4-17		
9-21-4-18		
9-21-8-29		
9-21-8-30		
9-21-8-31		
9-21-8-32		
9-21-8-33		
9-21-8-34		
9-21-8-35 9-21-8-35(a)		
9-21-8-36		
(formerly 9-4-1-81, 9-4-1-82, 9-4-1-83, 9-41-1-84, 9-4-1-85, 9-4-1-87, 9-4-1-110)		
9-21-8-35(b)	Failure to change lanes or decrease speed when approaching	8
9-21-8-35(c)	a stationary emergency, recovery, or maintenance vehicle	
9-21-4-12	Improper passing in violation of clearly	4
9-21-4-13	visible signs or markings	
9-21-4-18		
(formerly 9-4-1-70)		
9-21-4-16	Disregarding stop sign at railroad crossing	6
9-21-4-18		
(formerly 9-4-1-107)		
9-21-5-1	Misc. speeding violations	
9-21-5-2	Excessive speed not indicated	2
9-21-5-3	1–15 MPH in excess of limit	2
9-21-5-4	16–25 MPH in excess of limit	4
9-21-5-5	over 25 MPH in excess of limit	6
9-21-5-6		
9-21-5-11		
9-21-5-12(formerly 9-4-1-57)		
9-21-5-7	Minimum speed violation, slow vehicle in improper lane	2
9-21-5-8		
9-21-5-9		
9-21-8-2(b)		
(formerly 9-4-1-59, 9-4-1-63(5))		
9-21-5-10	Unsafe speed on bridge or elevated structure	4
(formerly 9-4-1-60)		
9-21-6-1	Speed contest on streets or highways (drag racing)	8
(formerly 9-4-6-2)		
9-21-8-1	Disregarding police officer directing	6
(formerly 9-4-1-24)		
9-21-8-2(a)	Driving on left side of road when not permitted	4
(formerly 9-4-1-63)		

9-21-8-4 (formerly 9-4-1-65)	Improper passing of another vehicle proceeding in opposite direction	4
9-21-8-5 (formerly 9-4-1-66)	Improper passing (cutting in); refusing to give way to overtaking vehicle	4
9-21-8-6 (formerly 9-4-1-67)	Improper passing to the right	4
9-21-8-7 (formerly 9-4-1-68)	Improper passing to the left - interfering with safety of oncoming traffic	4 6
9-21-8-7.5	Failure to merge at work site	8
9-21-8-8 (formerly 9-4-1-69)	Driving to the left of center on 2-way roadway (special conditions)	4
9-21-8-9 (formerly 9-4-1-71(b))	Wrong way on a 1-way road	4
9-21-8-10 (formerly 9-4-1-71)	Driving left of rotary island	4
9-21-8-11 (formerly 9-4-1-72)	Improper driving on roadways with traffic lanes	4
9-21-8-12 (formerly 9-4-1-64)	Lane restriction violation by truck	4
9-21-8-13 (formerly 9-4-1-64)		
9-21-8-14 (formerly 9-4-1-73)	Following too closely	6
9-21-8-15 (formerly 9-4-1-74)		
9-21-8-16 (formerly 9-4-1-73)		
9-21-8-18 (formerly 9-4-1-74)	Entrance or exit violation on limited access highways	4
9-21-8-21 (formerly 9-4-1-75)	Improper turn at intersection	4
9-21-8-22 (formerly 9-4-1-76)	U-turn on curve or crest of grade, visibility less than 750 feet	4
9-21-8-23 (formerly 9-4-1-77)	Unsafe start from parked position	4
9-21-8-24	Failure to signal when required, improper signal	2
9-21-8-25		
9-21-8-26		
9-21-8-27		
9-21-8-28 (formerly 9-4-1-78, 9-4-1-79, 9-4-1-80)		
9-21-8-37 (formerly 9-4-1-89)	Driver fails to exercise due care to avoid pedestrian	6
9-21-8-39 (formerly 9-4-1-106)	Disregarding signal indicating approach of train	6
9-21-8-40 (formerly 9-4-1-108, 9-4-1-109)	Failure of commercial vehicle or other special vehicle to stop at railroad crossing	8 + MS
9-21-8-41 (formerly 9-4-1-33)	Disregarding official traffic control device	4 6
9-21-8-50 (formerly 9-4-1-73(b))	Reckless driving while operating a tractor-trailer combination	6 8
9-21-8-51	Failure to dim bright or blinding lights	4

(formerly 9-4-1-56.2) 9-21-8-52(a)	Reckless driving	6
(formerly 9-4-1-56.1) 9-21-8-52(b)	Reckless driving with damage to property or personal injury	8 + MS
(formerly 9-4-1-56.1) 9-21-9-4	No flashing amber or red light on slow moving vehicle when other lights not required (this is in addition to slow moving emblem)	2
9-19-16-4 (formerly 9-8-10-4)	Motorcycle passenger violation	4
9-21-10-1 (formerly 9-8-9-2(a))	Carrying package or parcel on motorcycle (both hands not on handlebars)	4
9-21-10-3 (formerly 9-8-9-2(c))	Operating motorcycle without headlamp illuminated	2
9-21-10-5 (formerly 9-8-9-2(e))	Operating motorcycles three or more abreast in single lane	4
9-21-10-6 (formerly 9-8-9-2(f))	Depriving motor vehicle (including motorcycle) of full lane usage	4
9-21-10-6 (formerly 9-8-9-2(f))	Passing of school bus while loading or unloading	6 8
9-21-12-1 (formerly 9-4-1-123)	Passing of school bus when arm signal is out	6 8
9-21-12-1 (formerly 9-4-1-123)	Failure to park properly at right hand curb or in violation of parking restrictions posted by official signs (highway only)	2
9-21-16-7	Operating without valid commercial license	8
9-21-16-8	Operating a commercial motor vehicle with a BAC above .04	8
(formerly 9-4-1-115) 9-24-1-6	Operating a commercial motor vehicle while disqualified	8
(formerly 9-1-4-26) 9-24-6-15	Driver education permit violation	4 + AH
9-24-6-16	Learner permit violation	4 + AH
9-24-7-2 (formerly 9-1-4-33(b))	Temporary motorcycle learner permit violation	4 + AH
9-24-7-3 (formerly 9-1-4-33(c))	Motorcycle learner permit violation	4 + AH
9-24-8-2 (formerly 9-1-4-33.1)	Improper motorcycle license endorsement	6
9-24-8-3 (formerly 9-1-4-33.2)	Probationary license violation (under 18 years of age)	4
9-24-8-4 (formerly 9-1-4-33.3)	Violation of driver license restriction or mechanical control device requirement	4
9-24-11-3	Operating without ever having a valid license	4 6 + AH
9-24-11-7	Misuse of license; use of false information; unauthentic license	8 8 + AH
9-24-11-8(b)	Permitting unlicensed person to operate a motor vehicle	4 + AH
(formerly 9-1-4-37) 9-24-18-1	Permitting unlawful use of a motor vehicle	4
(formerly 9-1-4-26.5) 9-24-18-2	Driving while license is suspended or revoked	8 + MS
(formerly 9-1-4-47) 9-24-18-3		
9-24-18-4 (formerly 9-1-4-49)		
9-24-18-5		

(formerly 9-1-4-52) 9-24-18-8 (formerly 9-1-7-2) 9-25-1-1 et seq. 9-25-4-1 9-25-8-5 9-26-1-1 9-26-1-2 9-26-1-3 9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44) 9-26-1-2 9-26-1-3 9-26-1-4 (formerly 9-4-1-40, 9-4-1-41, 9-4-1-42, 9-4-1-43, 9-4-1-44) 9-30-4-8 (formerly 9-2-1-30) 9-30-5-1 (formerly 9-11-2-1) 9-30-5-2 (formerly 9-11-2-4) 9-30-5-3 (formerly 9-11-2-3) 9-30-5-4 (formerly 9-11-2-4) 9-30-5-5 (formerly 9-11-2-5) 9-30-5-6 9-30-5-13(formerly 9-11-2-6) 9-30-5-7 (formerly 9-11-2-7) 9-30-5-8 (formerly 9-11-2-8) 9-30-5-8.5 9-30-10-16 9-30-10-17 (formerly 9-12-3-1) 9-30-13-1 35-42-2-2 (9-30-13-1 was formerly 9-4-1-54.5) 9-30-13-2 35-42-2-4 (9-30-13-2 was formerly 9-4-1-54.5) 9-30-13-3 35-43-1-2 (9-30-13-3 was formerly 9-4-1-54.5) 9-30-13-4	Unlawful use of license to obtain alcohol Suspension of license and registration for violation of financial responsibility requirements Leaving the scene of accident; failure to give information; failure of other duties (personal injury, death, or property damage more than \$200 \$750 total) Leaving the scene of accident; failure to give information; failure of other duties (property damage only, less than \$200 \$750 total) Operating a vehicle with suspended registration; violation of conditions of a restricted license Operating with BAC above .10 or with controlled substance in bloodstream (Per Se) Operating while intoxicated (OWI) OWI with Per Se or OWI conviction in past 5 years Per Se or OWI resulting in injury Per Se or OWI resulting in death Violation of probationary license (HTV) Interlock device violation Tampering with interlock device Operating with at least BAC .02%, but less than BAC .10% (under 21 years of age) Operating a vehicle while suspended as a habitual traffic violator Criminal recklessness with vehicle Obstruction of traffic causing injury or death Criminal mischief with vehicle Involuntary manslaughter with a vehicle	8 + MS 8 2 + MS 8 + MS 8 8 + AH 8 + MS 8 + MS 8 + MS 8 + MS 8 + MS 8 + MS 8 + MS 8 + MS 4 + MS 8 + MS 4 8 4 8 6 8 + MS 8 + MS 8 + MS 8 + MS 8 + MS
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35-42-1-4 (9-30-13-4 was formerly 9-4-1-54.5)		
9-30-13-4	Reckless homicide with a vehicle	8 + MS
35-42-1-5 (9-30-13-4 was formerly 9-4-1-54.5)		
9-30-15-3	Open container violation	4 6
9-30-15-4		
13-7-13-4	Unlawful transportation of hazardous waste	4 + MS
<i>[IC 13-7-13-4 was repealed by P.L. 1-1996, SECTION 99, effective July 1, 1996]</i>		
14-15-8-8	Operating a personal watercraft or motorboat while intoxicated	8 + MS
14-15-8-13		
14-15-12-5		
14-15-8-9	Operation of motorboat after being ordered not to operate	8
14-15-8-10	Dangerous operation of a personal watercraft or motorboat	8
14-15-12-5		
14-15-12-10	Unsafe operation of personal watercraft	8
20-9.1-5-10	Speeding in school bus:	
	Speed not indicated	6
	1-15 MPH in excess of limit	6
	over 15 MPH in excess of limit	8
20-9.1-5-11	Failure of school bus to stop at railroad crossing	8 + MS
20-9.1-5-12	Stopping school bus to load or unload on left of 1-way thoroughfare	4
20-9.1-5-14	Improper use or failure of school bus to display stop arm signal	4
20-9.1-5-15	Improper use or failure of school bus to use directional signals	4
20-9.1-5-16	Improper use or failure of school bus to use red flashing warning lights	4
35-44-3-3(b)	Resisting law enforcement in vehicle	8 + MS

¹The court has the authority to suspend **an individual's driver** license on any traffic violation.

²Abbreviations have the following meaning:

“AH” means automatic hearing

“MS” means mandatory suspension for a period of time up to one (1) year or as provided by statute **or court order**.

(Bureau of Motor Vehicles; 140 IAC 1-4.5-10; filed Sep 5, 1995, 12:00 p.m.: 19 IR 8)

SECTION 8. UNDER IC 4-22-2.5-3, 140 IAC 1-5-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-5-3 Financial responsibility requirement; intentional falsification of required information; hearing procedures

Authority: IC 9-14-2-2

Affected: IC 9-25; IC 9-30-4-10; IC 9-30-4-11

Sec. 3. (a) The bureau of motor vehicles, within the discretion of the commissioner, shall attempt to verify on a random basis the affirmations of financial responsibility.

(b) Upon a possible showing of falsification of any of the information required to meet the financial responsibility requirement, the commissioner or his designated representative will upon proper notice conduct an administrative hearing upon the falsification charge. If there is a showing at this hearing of sufficient evidence of falsification, the commissioner shall invoke the administrative penalty outlined in ~~140 IAC 1-5-2(c)~~ **section 2(c) of this rule**.

(c) Hearing procedures **are as follows:**

- (1) Notice of administrative hearing shall be sent first class mail to the address utilized by the registrant on the application of registration.
- (2) Failure to appear at the administrative hearing shall result in the suspension of the driver's license and registration plates of the individual cited for the administrative hearing. This suspension shall remain in effect until the individual has appeared at a rescheduled hearing and the charges against that individual have been disposed of.
- (3) The administrative hearing will be conducted in an informal manner with ~~no~~ a record of the proceedings being maintained.
- (4) The commissioner or his designated representative shall upon the evidence presented issue specific findings and order which findings should specifically outline the probative evidence presented and upon which the order is based.
- (5) All subpoenas and continuances associated with this administrative hearing shall be in accordance with 140 IAC 1-1-4 and 140 IAC 1-1-5. ~~respectively.~~

(d) All appeals ~~of the commissioner's action~~ shall be conducted under IC 9-30-4-10 and IC 9-30-4-11.

(e) If the evidence so warrants, the commissioner may certify his findings related to falsification of the financial responsibility statement to the prosecuting attorney of the falsifying registrant's county of residence for appropriate criminal prosecution within that prosecuting attorney's discretion. (*Bureau of Motor Vehicles; 140 IAC 1-5-3; filed Dec 3, 1982, 2:13 p.m.: 6 IR 71; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2593*)

SECTION 9. UNDER IC 4-22-2.5-3, 140 IAC 1-8-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

140 IAC 1-8-1 Minimum standards

Authority: IC 9-14-2-2

Affected: IC 9-30-8; IC 9-30-5-8

Sec. 1. Each court in ~~the state of Indiana which that~~ has authority to order the installation of ignition interlock devices shall order the installation of devices that meet the following minimum standards and specifications:

- (1) Each device must be accurate.
- (2) Each device must not impede the safe operation of a vehicle.
- (3) Each device must provide a minimum opportunity to be bypassed.
- (4) Each device must show evidence of tampering if tampering is attempted.
- (5) Each device must have a label affixed by the manufacturer warning that a person tampering with or misusing the device is subject to a civil **and/or criminal** penalty.

(*Bureau of Motor Vehicles; 140 IAC 1-8-1; filed Jun 1, 1990, 2:16 p.m.: 13 IR 1834*)

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-4, notice is hereby given that on July 3, 2001 at 9:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Auditorium, Indianapolis, Indiana the Bureau of Motor Vehicles will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Tamara Brown, Legal Department
Indiana Bureau of Motor Vehicles
Indiana Government Center-North
100 North Senate Avenue, Room 440
Indianapolis, Indiana 46204*

Copies of these rules are now on file at the Indiana Government Center-North, 100 North Senate Avenue, Room 440 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Gary A. Gibson

Commissioner
Bureau of Motor Vehicles